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February 19, 2015

Hon. Andrew J. Peck
United States Magistrate Judge
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Courtroom 20D
New York, New York 10007

Re: Rio Tinto v. Vale et al, Civil Action No. 14-cv-3042 (RMB) (AJP) (S.D.N.Y.)

Dear Judge Peck:

Rio Tinto submits this brief reply to Vale's letter filed this morning. Rio Tinto is not aware of a requirement that any and all issues, especially pressing issues ripe for resolution, must be tabled (potentially for weeks) and only presented during the parties' monthly status conferences. Our case schedule does not permit such an approach. At our last conference in fact, the Court told the parties that it wanted "to make sure you're getting the judicial help you need." Rio Tinto needs that help now so as to move discovery forward expeditiously. Vale does not contest that it has the Feasibility Study in a readily-identifiable, eight-volume set at its fingertips, that it waited to disclose that information until recently, and that it is attempting to withhold and redact portions of the Feasibility Study based on unilateral determinations of "relevance." This issue is pressing because there is simply no excuse and no justification for any further delay on Vale's part in producing what could prove to be a critical document in this case. Moreover, the Feasibility Study will further inform ongoing discussions regarding discovery into what information Vale took from Rio Tinto and how it used that information as part of Defendants' conspiracy to develop Simandou; as the Court knows, these discussions have hamstrung the parties for months.

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Vale and its counsel have had the chance to review Rio Tinto's Feasibility Study, produced in unredacted form almost three months ago, side-by-side with VBG's Feasibility Study. Rio Tinto's counsel should have the same opportunity. In fact, Vale has received over 56,000 produced documents from Rio Tinto, whereas Rio Tinto has received a mere 840 from Vale. Expedited production on at least the Feasibility Study is needed so that the parties can finally advance the ball on this issue.

Very truly yours,

/s/Michael Lyle

Michael Lyle